

MEMORANDUM

Agenda Item No. 11(A)(10)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 21, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to align the penalties
imposed on vessel operators who
flee the scene of an accident with
those applicable to vehicular
drivers

Resolution No. R-461-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 21, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(10)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(10)
5-21-24

RESOLUTION NO. _____ R-461-24

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ALIGN THE PENALTIES IMPOSED ON VESSEL
OPERATORS WHO FLEE THE SCENE OF AN ACCIDENT
WITH THOSE APPLICABLE TO VEHICULAR DRIVERS

WHEREAS, Biscayne Bay is perhaps the County’s greatest natural resource; and

WHEREAS, on top of the enormous economic benefits that the bay bestows on the County, it also provides a source of recreation for countless residents of Miami-Dade County and tourists from across the globe; and

WHEREAS, water safety is, accordingly, a major concern of this Board and the County government; and

WHEREAS, on May 11, 2024, Ella Riley Adler—a 15-year-old resident of the County—was tragically killed in a hit-and-run boating accident; and

WHEREAS, Florida law currently fails to provide commensurate penalties for vessel operators that injure or kill others and then flee the scene of the accident in the same manner as hit-and-run automobile drivers; and

WHEREAS, the Florida Legislature is best suited to address this multifaceted issue that is of statewide concern; and

WHEREAS, after cyclist and County resident Aaron Cohen was killed by a hit-and-run driver in 2014, the Florida Legislature enacted the Aaron Cohen Life Protection Act, which imposed heightened criminal penalties for drivers who fled the scene of an accident after causing death or serious bodily injury; and

WHEREAS, this Board wishes to urge the State to appropriately increase penalties for fleeing the scene of a boating accident such that the penalties will align with those applicable to vehicular drivers that commit similar acts,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature align the penalties imposed on vessel operators who flee the scene of an accident with those applicable to vehicular drivers.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Florida Senate President, the Florida House Speaker, and the Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the action described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2025 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado. It was offered by Commissioner **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	absent	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	absent	Eileen Higgins	aye
Kionne L. McGhee	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of May, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "CJF", written over a horizontal line.

Christian J. Fernandez-Andes